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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GMAC MORTGAGE, LLC FKA
GMAC MORTGAGE CORPORATION,

Plaintiff,

No. 2:10-cv-00948 GEB KJN PS

v.

NICOLETTE BRUCE, MARK A.
BRUCE, and DOES 1 through 10,
inclusive,

Defendant.

ORDER

_____ /
Defendants, who removed this case to federal court, are proceeding without
counsel. The court is in receipt of defendants' request to appear via telephone at the following
court proceedings: (1) the hearing on plaintiff's motion for a remand to state court, which is
presently set for August 12, 2010; and (2) the Status (Pretrial Scheduling) Conference, which is
presently set for September 23, 2010. (See Dkt. Nos. 8, 9.) Defendants, who state that they are
unable to travel at all due to their disabilities, seek these accommodations pursuant to an
unspecified provision of Title II of the Americans With Disabilities Act ("ADA"). They also
seek an order permitting them to appear at all future court proceedings via telephone. (Id.)

Although the court makes no finding regarding whether defendants are entitled to

1 appear by telephone pursuant to Title II of the ADA,¹ the court will grant defendants' requests to
2 appear by telephone at the two court proceedings specified in defendants' requests. However,
3 without more of a showing or explanation regarding why it is "impossible" for both defendants to
4 travel due to each defendant being disabled, the court will not grant defendants' request to appear
5 at all future court proceedings by telephone.

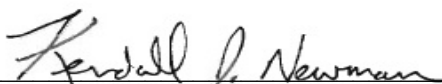
6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Defendants' requests to appear via telephone at court proceedings (Dkt.
8 Nos. 8, 9) are granted in part.

9 2. Defendants may appear via telephone at: (1) the hearing on plaintiff's
10 motion for a remand to state court, which is presently set for August 12, 2010; and (2) the Status
11 (Pretrial Scheduling) Conference, which is presently set for September 23, 2010.

12 3. Defendants' request for an order permitting them to appear at all future
13 court proceedings by telephone is denied without prejudice. Defendants may file requests to
14 appear telephonically at future hearings and court proceedings on a hearing-by-hearing basis.

15 DATED: July 26, 2010

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19 KENDALL J. NEWMAN
20 UNITED STATES MAGISTRATE JUDGE
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¹ The undersigned notes that Title II of the ADA prohibits discrimination on the basis of
25 a disability by a "public entity." See 42 U.S.C. §§ 12132. In relevant part, Title II of the ADA
26 further defines "public entity" as "any State or local government," not the federal government or
a federal court. See *id.* § 12131(1). Although it appears that defendants' reliance on Title II of
the ADA appears to be misplaced, the undersigned need not ultimately resolve defendants' claim
in this order.